

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,
Plaintiff,

ORDER

13-cr-138-wmc

v.

LUIS ALCANTAR GARCIA,
Defendant.

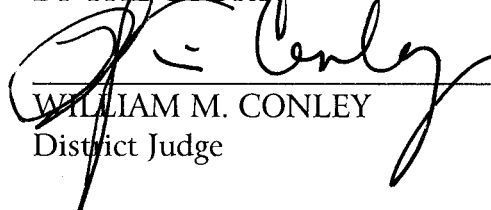
Defendant Luis Alcantar Garcia has moved for a sentencing reduction under 18 U.S.C. § 3582 (dkt. #65), contending that because he was sentenced for possession with intent to distribute cocaine and the guidelines for drug crimes have been lowered and given retroactive effect, he is entitled to a reduction in his sentence.¹ Unfortunately, he is mistaken. Under 21 U.S.C. § 841(a)(1), defendant was sentenced to a mandatory term of 60 months. That term was set by statute and can be changed only by an Act of Congress. It is not affected by changes in the sentencing guidelines.

ORDER

IT IS ORDERED that defendant James Davis's motion for a sentence reduction under 18 U.S.C. § 3582 is DENIED.

Entered this 30th day of July, 2015.

BY THE COURT



WILLIAM M. CONLEY
District Judge

¹ For the record, defendant Garcia also filed a "Request for Money Deposit in my Inmate Account." (Dkt. #60.) The court notes that the government responded the agreed upon non-forfeited money was sent to a UW Credit Union saving account specified by Garcia. (See dkt. #61.) Finally, Garcia has filed a "Request for Legal Status of Appeal." (Dkt. #62.) No appeal was filed in this case. Indeed, defendant's counsel represents that at no time did Garcia request an appeal to be filed. (See dkt. #64.) Accordingly, no further action is required or permitted by this court with respect to any of these matters.